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| 09/822,753 | 03/30/2001 | Kenneth Hung-Yi Chang | TI-31768 | 9031 |

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| EXAMINER |
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CASIANO, ANGEL L

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| ART UNIT | PAPER NUMBER |
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2182

DATE MAILED: 02/13/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/822,753

Applicant(s)

CHANG, KENNETH HUNG-YI

Examiner

Angel L. Casiano

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8, 9, 11, 20-30 and 33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 9, 11, 20-30 and 33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The present Office Action is in response to Amendment filed 28 November 2003.
2. Claims 1-6, 8-9, 11, 20-30 and 33 are pending in the application.
3. Acknowledgement is made of priority claim under 35 U.S.C. 119(e)(1) of U.S. provisional application filed 3 April 2000.

Specification

4. The abstract of the disclosure is objected to because the last sentence recites, "...executed by the co-processor *if the it* satisfies the condition". Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
6. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim recites, "determining *whether a data processor in the system* satisfies the condition information for the retrieved program" and further states "responsive to the determining step, downloading the program *to the data processor that satisfies* said condition". Examiner respectfully submits that the claim is unclear, since the "determining" step appears to

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include a plurality of *data processors* in the system, but only “a data processor in the system” is disclosed.

Claims 2-6, 8-9, 11 and 20-22 depend directly or indirectly from claim 1 and are therefore rejected under the same basis.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-4, 6, 8-9, 11, 21-24, 28-29 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Halpern et al. [US 6,282,711 B1] in view of Suzuki [JP 11203187 A].

Regarding claim 1, Halpern et al. teaches a method (see Abstract) of downloading a program to a data processor. The method found in the cited reference provides (see col. 8, lines 33-34) the program (see col. 3, line 5) in an executable file (see col. 7, lines 52-54) together with information (see col. 3, lines 4-7, 21-22) indicating a condition (inherent, col. 6, line 48) needed (see “required”, Abstract) for executing the file. Based on the information (see Abstract; col. 5, lines 50-55) disclosed by the reference, the method downloads (see col. 6, lines 18, 59; col. 9, lines 48-49; col. 10, lines 46-47) the program to a data processor, which satisfies the condition information. The reference, however, does not explicitly teach the step of “responsive to a

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determination step, downloading the program to the data processor that satisfies” a “condition”. Nonetheless, Examiner respectfully submits that the download of the program in the reference by Halpern et al. is done *after* a determination (inherent, see col. 2, lines 45-49; col. 3, lines 44-61) is performed by the method. The receiving processor must be capable (have the ability) of receiving the downloading program. Regarding this aspect of the claim, Suzuki teaches a file management system where “predetermined conditions” are performed (see Abstract). Accordingly, one of ordinary skill in the art would have been motivated to modify the disclosure by Halpern et al. in order to include “predetermined conditions” that would allow “efficiency of operation” in different environments, such as internet and LAN (see Suzuki).

As for claim 2, the cited art (Halpern et al.) does not expressly teach configuring a data processor *using the condition information*. Nonetheless, the cited art does teach configuring the program sent to a processor (see “custom configured”, Abstract). The cited art also teaches data necessary for downloading the program (see Abstract). Therefore, this information clearly teaches a condition necessary for the method in the prior art. Accordingly, by configuring the cited data, it would have been obvious to one of ordinary skill in the art that the processor receiving the data is configured as well.

In consideration of claim 3, the cited prior art does not teach a selection of a data processor using the condition information. Nonetheless, one of ordinary skill in the art would have been motivated to state that a processor is selected as part of the method disclosed by Halpern et al., since the program is downloaded to a specific processor (see “requesting”, Abstract).

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Considering claim 4, the cited prior art does not mention a COFF executable file having the program and condition information. However, Halpern et al. clearly exposes providing an executable file for downloading (see Abstract; col. 4, lines 11-14; col. 7, lines 52-54; col. 10, lines 20-22). Therefore, the cited prior art teaches providing the executing file, although it does not specify the file as COFF.

As for claim 6, Halpern et al. teaches providing an executable file for downloading (see col. 4, lines 11-14; Abstract). The download, as disclosed by Halpern et al. includes the program itself as well as all the necessary information for executing the file (see col. 3, lines 1-7). Nonetheless, the determination of condition information for the method disclosed by Halpern et al. occurs at server level (see col. 3, lines 44-56). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that the information regarding a condition for the program in the executable file is accessible to the user, but not downloaded.

In consideration of claims 8 and 9, these constitute examples of condition information associated with the program. Regarding condition information, Halpern et al. teaches providing required (necessary) information for the program (see "required", Abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that information related to "data processor platform" (claim 8) as well as "set up parameters" (claim 9) would have been included by Halpern et al. as necessary information for the execution of the program.

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In consideration of claim 11, the cited prior art explicitly teaches converting input information (see “user’s inputs”, Abstract) into condition information. The cited method provides the program in the executable file (see col. 7, lines 52-54) integrated with information indicative of a condition (inherent, col. 6, line 48; see “required”, Abstract).

As for claim 21, Halpern et al. teaches a method where a single executable file is produced (see Abstract). The disclosure by Halpern et al. provides information (see col. 3, lines 4-7, 21-22) indicative of a necessary condition (inherent, col. 6, line 48; see “required”, Abstract) for executing the program. This information is integrated with the program in the single executable file (see col. 3, lines 1-7).

As for claim 22, the disclosure by Halpern et al. provides information (see col. 3, lines 4-7, 21-22) indicative of a necessary condition (inherent, col. 6, line 48; see “required”, Abstract) for executing a program. This information is integrated with the program in an executable file (see col. 3, lines 1-7), which includes the necessary information as well as the program itself. This executable file is stored in a file storage facility.

Claim 23 is directed to the *data processing apparatus* for the implementation of the method, as disclosed in previous claims. The prior art cited in the present Office action teaches or suggests the limitations corresponding to the claimed method. Accordingly, claim 23 is rejected under the same basis.

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Claim 24 is directed to the *data processing system* for the implementation of the apparatus, as disclosed in previous claims. The prior art cited in the present Office action teaches or suggests the limitations corresponding to the claimed method. Accordingly, claim 24 is rejected under the same basis.

In consideration of claim 28, it constitutes types of processors that one of ordinary skill in the art would have been motivated to use in the prior art system. Microprocessors and digital signal processors are well known in the art.

As for claim 29, the cited art does not teach a *third* data processor coupled to the first data processor. Nonetheless, the cited system is oriented to a processing network, such as the Internet (see col. 3, line 1). Therefore, it would have been obvious to one of ordinary skill in the art that a third processor would have been coupled to the first in order to constitute a network, as disclosed by Halpern et al.

As for claim 33, the cited prior art does not expressly teach configuring a data processor based on condition information. However, the cited prior art does teach configuring the program sent to a processor by a first processor (see “server”, “client”, “custom configured”, Abstract). The cited art also teaches data needed for downloading the program (see Abstract). Therefore, this information clearly teaches a condition necessary for the method in the prior art. Accordingly, by configuring the cited data, it would have been obvious to one of ordinary skill in the art that the processor receiving the data is configured as well.

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9. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Halpern et al. [US 6,282,711 B1] in view of in view of Suzuki [JP 11203187 A], in further view of Carron et al. [US 4,724,521].

As for claim 5, the combination of prior art combines the information regarding the condition with the program itself (see Abstract). Furthermore, the cited art teaches a “package” including all the necessary information for the program, as well as the program itself (see col. 3, lines 1-5). The combination of Halpern et al. in view of Suzuki does not explicitly teach a *compiler/linker*. Carron et al. teaches a compiler and linker (see col. 10, lines 58-60; col. 11, lines 2-8). Considering the disclosure by Carron et al., one of ordinary skill in the art would have been motivated to modify the combination of references by including a compiler/linker, since as indicated by Carron et al., these elements inherently produce a machine language version of the program (see col. 6, lines 64-68). Accordingly, the use of a compiler/linker for these purposes would have been obvious to one of ordinary skill in the art at the time the invention was made.

10. Claims 25-27 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Halpern et al. [US 6,282,711 B1] in view of Suzuki [JP 11203187 A], in further view of applicant’s admitted prior art [AAPA].

As for claim 25, the combination of Halpern et al. and Suzuki does not teach a system provided on a single integrated circuit chip. Nonetheless, in applicant’s admission of prior art [AAPA], an application for mobile telephones (single-chip systems; see pages 1-2) is disclosed. Accordingly,

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one of ordinary skill in the art at the time the invention was made would have been motivated to modify the combination of reference by including applicant's admitted art [AAPA] in order to ensure compatibility (see Halpern et al., col. 2, line 49) as well as transmission continuity.

As for claim 26, Halpern et al. teaches a man/machine interface for communication between a processor and a user (see col. 3, lines 4, 39; col. 4, line 59).

As for claim 27, Halpern et al. teaches a visual interface (see col. 4, line 67).

As for claim 30, the combination of references does not teach a system provided on a single integrated circuit chip. Nonetheless, in applicant's admission of prior art [AAPA], an application for mobile telephones (single-chip systems; see pages 1-2) is disclosed. Accordingly, one of ordinary skill in the art at the time the invention was made would have been motivated to modify the combination of Halpern et al. and Suzuki in order to ensure compatibility (see Halpern et al., col. 2, line 49) as well as transmission continuity.

11. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Halpern et al. [US 6,282,711 B1] in view of Suzuki [JP 11203187 A], in further view of Tevanian et al. [IDS].

Regarding claim 20, the combination of Halpern et al. and Suzuki does not teach providing a universally unique identifier for each of the programs and corresponding condition information. The combination of references does not teach integrating the universally unique identifier into

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the executable file along with the program and corresponding condition information. Nonetheless, identifiers are well known in the art. Tevanian et al. [IDS] teaches an identifier for a program file (see col. 8, lines 38-39, 46-52). Therefore, since identifiers are well known in the art, one of ordinary skill would have been motivated to use identifiers in order to distinguish each program and their corresponding condition information, as disclosed by the combination of disclosures.

Response to Arguments

12. Applicant's arguments with respect to claims 1-6, 8-9, 11, 20-30 and 33 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Suzuki [JP 2000339211 A] teaches a file processing apparatus. Based on a *comparison result*, a determination unit determined whether the file is to be *downloaded* from other apparatus.
- Ichimura [JP 2001125610 A] teaches a download memory which stores user program file to store user program to execute user task, and system task program file to store system task program along with system task, which describes *execution condition*.

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14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angel L. Casiano whose telephone number is 703-305-8301. The examiner can normally be reached on 9:30-6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 703-308-3301. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

alc
10 February 2004.


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